

EPA Comments on the Draft Final ROD
for WAG 5, OU 5-12

Page iii, Assessment of Site. Replace with the following language:

Actual or threatened releases of hazardous substances from this site, if not addressed by implementation of response actions selected in this ROD, may pose an imminent and substantial endangerment to public health, welfare or the environment.

Page viii, last paragraph. Since institutional controls are a type of remedial action, it is incorrect to say "Because no remediation will be applied...." One solution would be to add "no active remediation" or substitute a different noun for "remediation."

*Page 13, fifth paragraph; page 112, first paragraph below the bullets; and other places. As we had discussed, under the new TSCA disposal rule, just because a remediation waste (assuming we are discussing remediation waste and not other types of PCB wastes) is now below 50 ppm, it is not automatically not a waste regulated under TSCA. The decision as to whether a waste is or is not regulated by TSCA is a combination of: a) deciding it is a remediation waste; b) the date of the disposal; and, c) depending on the date, the initial concentration of the PCBs when they were disposed. I think the ROD should just briefly explain, in a single place (probably in Chapter 9) why DOE believes it is not a TSCA waste - in an explanation that includes all these elements, and delete these incorrect explanations elsewhere in the document.

*Page 54 and 55, risk from PCBs and footnote b; page 102, Section 9.3.1., fourth column; and possibly other pages. While it is correct that there is no reference dose for Aroclor-1242, IRIS does contain slope factors that are to be used for ALL PCB mixtures. IRIS is confusing, since you have to look at two separate listings to obtain this information (both the Aroclor specific listing and the polychlorinated biphenyl listing), but it does exist.

* Page 81. Table 16 has a remediation goal for arsenic at ARA-01 based on a 10⁻⁴ dermal absorption risk of 10 mg/kg, while the remediation goal for arsenic for ARA-25 is based on background concentration and is 5.8 mg/kg. Provide an explanation for why different approaches were used at these two sites.

Page 104, Table 21. Something is wrong in this table in regards to the Aroclor-1242 data. There is no way you can have 13 samples, with only 3 non-detects and a minimum concentration in 10 samples of 5.5 mg/kg and have a UCL of 1.8. Even the average concentration has to be higher than that.

*Page 106, Table 22, footnote C. Please delete the last sentence in this footnote. A risk based goal can be calculated using carcinogenic risk, but it is going to be much easier to just use the TSCA level.

****Page 122, Sections 10.3 and 10.4, first paragraph.** Something is missing. The first sentence of 10.4 refers a reader to the unacceptable risks described in section 10.3 - but there are no unacceptable risks described in section 10.3.

Page 164, Groundwater Monitoring. As we now know, five year reviews will be done on an INEEL wide basis (and on an INEEL-wide schedule), not on a ROD by ROD schedule. Since the first five year review is currently underway, the timing will probably not be too out of sync for this particular ROD, but it still may not be the best vehicle for these sorts of decisions. It might be better to just say “every five years from the date of this ROD” if that is what you really want to do.

Page 187, Response to comment 11. The second sentence should read, “The EPA screening levels for carcinogens are generally set at a risk of 1E-07, but a risk of 1E-04 has typically been selected as an acceptable risk for cleanup actions at INEEL.” Eliminate the fourth sentence, and replace the words “can be” with “are” in the fifth sentence.

COMMENTS ON DRAFT O.U. 5-12 ROD				
#	Pg.	Sect.	Concern	Suggested Change
1.	v	Declaration Selected Remedy 4 th Bullet	I.Cs will be maintained as long as the level of contamination requires land access or use restrictions	
2.	vi	Declaration Selected Remedy 5 th Bullet	I.Cs will be maintained as long as the level of contamination requires land access or use restrictions	
3.	vi	Declaration Selected Remedy 7 th Bullet	I.Cs will be maintained as long as the level of contamination requires land access or use restrictions	

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#	Pg.	Sect.	Concern	Suggested Change
4.	viii	Declaration Gnd H2O	If groundwater monitoring is not required under this ROD but instead to support WAG 10, then WAG 10 RI/FS should address it. Need to identify a risk or potential risk (possibly due to uncertainty analysis) to justify this monitoring.	
5.	ix	Five Year	There is not a 100 year Institutional Control period. The 100 year is a projection of land development in the area where it is assumed that government ownership of the land would likely remain for 100yrs. Institutional Controls are required for as long as the contamination requires access or use restrictions to remain protective.	
6.	44	7.1	Typo in last sentence	
7.	84	Table 18	What does it mean to meet RCRA?	Need to provide specific HWMA/RCRA cites.
8.	85	DOE 5400.5	Not sure what is being identified as a TBC here. If it is ALARA, then OK. If it is 100mrem/yr for the general public then this is unacceptable.	Need to identify ALARA principle
9.	93	Table 19	Why is an across the board 30% contingency being applied across all elements of capital costs?	
10.	108	Table 23	What does it mean to	Need to provide specific

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#	Pg.	Sect.	Concern	Suggested Change
			meet RCRA?	HWMA/RCRA cites.
11.	114	Table 24	Why is an across the board 30% contingency being applied across all elements of capital costs?	
12.	130	Table 29	What does it mean to meet RCRA?	Need to provide specific HWMA/RCRA cites.
13.	137	Table 30	Why is an across the board 30% contingency being applied across all elements of capital costs?	
14.	93	Table 34	Why is an across the board 30% contingency being applied across all elements of capital costs?	
15.	162	11.2	Annual inspections concerning the effectiveness of Institutional controls will be required for as long as I.C.s are required or until another frequency is agreed to.	
16.	163	11.2	<p>A. Document review schedules are identified in the SOW not ROD</p> <p>B. DOE should notify state & EPA of potential disturbances which may impact I.C.s and obtain confirmation that the disturbance will not interfere with required I.C.s</p> <p>C. DOE should also commit to notice Stakeholders of the I.C.s</p>	

COMMENTS ON DRAFT O.U. 5-12 ROD				
#	Pg.	Sect.	Concern	Suggested Change
			prior to any land transfer which, if to a non federal government entity, is controlled by CERCLA 120(h).	